



Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

OCTOBER 1, 2018

9:30

Calendar No. 18-181:

**Appeal from decision of Mayor's
Office of Capital Projects to uphold
the denial of Zone 3 Permit
Application**

Ward 3

Kerry McCormack

Thomas McCarthy appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) and Section 675 of the Cleveland Codified Ordinances from the decision of the Director of the Mayor's Office of Capital Projects on July 31, 2018 to uphold the denial of the Zone 3 Permit Application for the 2018-2019 permitting period by the Administrative Officer of the Mayor's Office of Capital Projects (Filed August 22, 2018)

9:30

Calendar No. 18-195:

16404 Highview Dr.

Ward 1

Joseph T. Jones

16 Notices

Gary Robinson, owner, proposes to change use from one family dwelling to Type 'A' day care in a One-Family Residential District. The owner appeals for relief from the strict application of Section 337.02(g)(3)(c) which states that in a One Family district Child Care use requires approval from the Board of Zoning Appeals and is required to be 30' from any adjoining premises in residence district not used for a similar purpose. Proposed child care is surrounded by One Family district. (Filed August 31, 2018)

9:30

Calendar No. 18-197:

3449 E. 142 St.

Ward 1

Joseph T. Jones

16 Notices

Brittany Johnson, owner, proposes to change use from 2 dwelling units to 3 dwelling units in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 337.03(c) which states that the Board of Zoning Appeals, after public notice and public hearing, and upon prescribing proper safeguards to preserve the character of the neighborhood, may grant special permits for the remodeling of existing dwelling houses or the erection of row houses to provide for more than two (2) dwelling units but not more than six dwelling units in each building, provided that: (1) The square footage of the lot area to be allotted to each dwelling unit is in accordance with the area regulations included in Chapter 355; (2) The dwelling units to be created will be not smaller than two rooms and a bathroom; (3) There will be no exterior evidence that a remodeled dwelling house is occupied by more than two (2) families, except such as may be permitted by the Board. The proposed

conversion to 3 dwelling units IS NOT in accordance with the area regulations of Section 355.04 which states that a 7,200 square foot lot is required and a 5,985 square foot lot is provided. Also the dwelling unit to be created IS smaller than two rooms and a bathroom. (Filed September 7, 2018)

9:30

Calendar No. 18-199: 4118 Bridge Avenue

Ward 3

Kerry McCormack

13 Notices

Scott Francis, owner, proposes to erect a 12'-10" x 20.5' two story frame room addition attached to an existing single family residence in a Two-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 355.04(b) which states that the maximum gross floor area shall not exceed 50 percent of lot size of or in this case 2,079 square feet and the appellant is proposing 2,459 square feet.
 2. Section 357.09(b)(2)(B) which states that no Interior Side yard shall be less than $\frac{1}{4}$ the height of the building or in this case 5.2' and the appellant is proposing 1'.
 3. Section 357.09(b)(2)(A) which states that no building shall be erected less than ten feet from a main building on an adjoining lot and the distance to main buildings on side lot is 5'-6".
- (Filed September 10, 2018)

POSTPONED FROM SEPTEMBER 4, 2018

9:30

Calendar No. 18-176: 3403 Denison Avenue

Ward 12

Anthony Brancatelli

25 Notices

Jean Saad, owner, proposes to change use to a community store in a C1 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances

1. Section 337.08 which states that in a Multi-Family District a community store is not permitted but is first permitted in Local Retail District
 2. Section 352.10 which states that a 6' wide landscape strip is required between Denison Ave. and W 34 St. where parking abuts the street and a 4' landscape strip proposed.
 3. Section 352.10 which states that a 6' transition strip is required at the rear and side where the use abuts a Multi-Family Districts.
 4. Section 359.01 which states that a substitution of nonconforming use requires BZA approval.
- (Filed August 7, 2018-No testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A SCHEDULING CONFLICT.*

POSTPONED FROM SEPTEMBER 4, 2018

9:30

Calendar No. 18-174:

3929 Lorain Ave.

Ward 3

Kerry McCormack

19 Notices

Triban Investments, owner, proposes to establish use as a parking lot in a C3 Local Retail Business District and a Pedestrian Retail Overlay District (PRO). The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances

1. Section 341.02 which states that the premises are in a designated Design Review District, The City Planning and the Landmarks Commission approval are required; the City Planning Commission nor the Landmarks Commission have not approved the application.
2. Section 343.239(e) (2)(A)(B) which states that parking lots and driveways that extend across public sidewalks that are in the Pedestrian Retail Overlay District (PRO) are Conditional Uses that must be approved by the City Planning Commission; the City Planning Commission has not approved the uses.
3. Section 349.07 which states that accessory off-street parking spaces be provided with wheel or bumper guards; and
4. Section 349.07 (c) which states that a driveway used to provide accessibility to accessory off-street parking spaces shall be so located and arrange to minimize traffic congestion; there is no outlet for proposed one-way traffic.
5. Section 352.04 which states that a landscape plan is required; and no landscaping plan is proposed.(Filed August 2, 2018-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW FOR TIME FOR LANDMARKS REVIEW.*

POSTPONED FROM SEPTEMBER 17, 2018

9:30

Calendar No. 18-191:

2214 W. 20 Street

Ward 3

Kerry McCormack

13 Notices

Horton & Harper Architects, owner, proposes erect a 2 story single family residence with a front loading attached garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.07(a) which states that a driveway used to provide accessibility to accessory off street parking space shall be arranged to minimize traffic congestion and requires Engineering and Construction approval (Lou Griggs).
2. Section 355.04(b) which states that the maximum gross floor area shall not exceed 50 percent of lot size or in this case 1,210 square feet and the appellant is proposing 2,881 square feet.
3. Section 357.09(b)(2)(B) which states that the building height is approximately 27'-4" thus no interior side yard shall be less than ¼ the height or 6.85'and the appellant is proposing 3' and 0'. This section also states that the aggregate yards shall be no less than 10' and the appellant is proposing 3' for dwelling and 2' for side porch.

4. Section 357.08 which states that the depth of required rear yard shall be not less than the height of the main building which is 27'-4" and the appellant is proposing 20'-6" for dwelling and 15' for rear porch.
5. Section 357.09(b)(2)(A) which states that no building shall be erected less than ten feet from a main building on an adjoining lot and the distance to main building on side lot is 3'-6".
6. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit.(Filed August 27, 2018-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A CHANGE IN THE SITE PLAN AND WRITE UP.*